

WHITFIELD) that the House suspend the rules and pass the bill, H.R. 4412.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CONDEMNING VIOLATIONS OF INTERNATIONAL LAW BY THE GOVERNMENT OF SYRIA

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 121) expressing the sense of the Congress condemning the gross violations of international law amounting to war crimes and crimes against humanity by the Government of Syria, its allies, and other parties to the conflict in Syria, and asking the President to direct his Ambassador at the United Nations to promote the establishment of a war crimes tribunal where these crimes could be addressed, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 121

Whereas the Government of Syria, led by President Bashar al-Assad, has engaged in widespread torture and rape, employed starvation as a weapon of war, and massacred civilians, including through the use of chemical weapons, cluster munitions, and barrel bombs;

Whereas the vast majority of the civilians who have died in the Syrian conflict have been killed by the Government of Syria led by President Bashar al-Assad and its allies, specifically the Russian Federation, the Islamic Republic of Iran, and Iran's terrorist proxies including Hezbollah;

Whereas the Government of Syria reportedly has subjected nearly 1,000,000 civilians to devastating sieges and manipulated the delivery of humanitarian aid for its own gain, thereby weaponizing starvation against populations, such as in Madaya;

Whereas the Government of Syria continues to target schools, water, electric, and medical facilities as a way to deny civilians access to critical infrastructure and basic services;

Whereas the Government of Syria has conducted massive and widespread enforced disappearances, systematic torture, and killing, amounting to what the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic recently described as "extermination" at the hands of the State;

Whereas the same Commission of Inquiry described these and other actions perpetrated by the Government of Syria as war crimes and crimes against humanity;

Whereas the Government of Syria and its allies have carried out mass atrocities without regard for international norms or human decency;

Whereas the Government of Syria and its allies have attacked various religious and ethnic minority populations in Syria, including Christians, Turkmen, and Ismaelis;

Whereas the Russian Federation has not only enabled the Government of Syria's perpetration of these crimes but has committed its own violations of international law by leading deliberate bombing campaigns on ci-

vilian targets including bakeries, hospitals, markets, and schools, contrary to United Nations Security Council Resolution 2254, adopted on December 18, 2015, which demanded "that all parties immediately cease any attacks against civilians and civilian objects";

Whereas the attacks by the Government of Syria and its allies have focused on civilian targets and the United States-backed opposition, and have led to the expansion of the Islamic State in Syria;

Whereas other parties to the conflict in Syria, including the Islamic State of Iraq and the Levant and the al-Nusra Front, have engaged in torture, rape, summary execution of government soldiers, kidnapping for ransom, and violence against civilians;

Whereas these continued violations of international law, without any promise of accountability, jeopardize hope for establishing a meaningful and lasting peace through the Geneva and Vienna processes;

Whereas Syria is not a state-party to the Rome Statute and is not a member of the International Criminal Court;

Whereas the United States supports the collection and analysis of documentation related to the ongoing violations of human rights, the coordination of Syrian and international actors working on documentation and transitional justice efforts, and education and outreach on transitional justice concepts and processes, including efforts of the Syria Justice and Accountability Center sponsored by the United States and various other states and multilateral institutions;

Whereas the international community has previously established ad hoc or regional tribunals through the United Nations to bring justice in specific countries where war crimes, crimes against humanity, and genocide have been committed;

Whereas ad hoc or regional tribunals, including the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, and the Special Court for Sierra Leone, have successfully investigated and prosecuted war crimes, crimes against humanity, and genocide, and there are many positive lessons to be learned from such tribunals; and

Whereas any lasting, peaceful solution to the conflict in Syria must be based upon justice for all, including members of all factions, political parties, ethnicities, and religions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) strongly condemns the continued use of unlawful and indiscriminate violence against civilian populations by the Government of Syria, its allies, and other parties to the conflict;

(2) urges the United States and its partners to continue to demand and work toward the cessation of attacks on Syrian civilians by the Government of Syria, its allies, and other parties to the conflict;

(3) urges the Administration to establish additional mechanisms for the protection of civilians and to ensure consistent and equitable access to humanitarian aid for vulnerable populations;

(4) urges the United States to continue its support for efforts to collect and analyze documentation related to ongoing violations of human rights in Syria, and to prioritize the collection of evidence that can be used to support future prosecutions for war crimes and crimes against humanity committed by the Government of Syria, its allies, and other parties to the conflict;

(5) urges the President to direct the United States representative to the United Nations to use the voice and vote of the United States to immediately promote the establishment of a Syrian war crimes tribunal, a

regional or international hybrid court to prosecute the perpetrators of grave crimes committed by the Government of Syria, its allies, and other parties to the conflict; and (6) urges other nations to apprehend and deliver into the custody of such a Syrian war crimes tribunal persons indicted for war crimes, crimes against humanity, or genocide in Syria, and to provide information pertaining to such crimes to the tribunal.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the U.N. Security Council should move immediately to establish a Syrian war crimes tribunal. H. Con. Res. 121, which I introduced, is a bipartisan piece of legislation backed by Chairman ROYCE as well as by ELIOT ENGEL and others, calling upon the administration to pursue this policy goal, including using our voice and vote at the United Nations.

Mr. Speaker, past ad hoc/regional war crimes tribunals, including courts for Sierra Leone, Rwanda, and the former Yugoslavia, have made a significant difference, holding some of the worst mass murderers to account with successful prosecutions followed by long jail sentences.

Who can forget the picture of the infamous former President of Liberia, Charles Taylor, with his head bowed, incredulous that the Special Court for Sierra Leone in 2012 meted out a 50-year jail term for his crimes against humanity and war crimes.

According to the Syrian Center for Policy Research, approximately 5 years of wanton bloodshed in Syria has killed either directly or indirectly an estimated 470,000 people. Other estimates put the death toll at a quarter of a million.

While the United Nations long ago abandoned estimating the death toll due to its inability to verify the veracity of the numbers, the war in Syria has caused a massive loss of life, including genocide against Christians, Yazidis, and other religious minorities, especially women and children.

The International Syria Support Group, co-chaired by the United States and Russia, as we all know, brokered a cessation of hostilities that kicked in on February 27 that applies to all parties except ISIS and al-Nusra.

While we all hope and pray the ceasefire holds as it goes into the third week

and humanitarian groups gain access to sick, frail, and at-risk people, the atrocities committed against Syria's population demand accountability and justice.

There have been—I think I should point this out because many people who are following the news know this—numerous violations of the cease-fire by Assad and his forces.

In an opinion piece in *Newsweek* a few hours ago, it was noted that “regime forces are openly bombing and, in some cases, launching ground operations to capture key rebel territory without making any pretense of attacking the Nusra Front.”

Further, the Syria Ceasefire Monitor “reports 111 violations as of March 9—almost all perpetuated by the Assad regime or Russian forces.”

A Syrian court is needed for all the past, present, and—God forbid—likely future atrocities being committed in Syria.

Rigorous investigations by a new Syrian court, followed by prosecutions, convictions, and serious jail time for perpetrators of crime on all sides will not only hold those responsible for war crimes accountable, but will send a clear message that such barbaric behavior has dire personal consequences. The victims and their loved ones, Mr. Speaker, deserve no less.

Can a U.N. Security Council resolution establishing a Syrian war crimes tribunal prevail? Yes, I believe. With a serious and sustained diplomatic push by the United States and other interested parties, past success in creating war crimes tribunals can, indeed, be prologue.

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Notwithstanding Russia's solidarity with Serbia during the Balkan war, especially with Slobodan Milosevic, the International Criminal Court Tribunal for the former Yugoslavia was unanimously approved. Ditto for the special court in Sierra Leone in 2002. The Rwanda tribunal was created in 1994, with China choosing to abstain rather than to veto that court.

At a Syrian war crimes court, no one on any side who commits genocide, war crimes, or crimes against humanity would be precluded from prosecution.

As I said, in the early 1990s, the Russians knew that the Yugoslav court was designed to hold all transgressors liable, whether they be Bosnian or Croats and not just Serbians and, again, they didn't veto that particular court as it was established.

I believe the Russians and the Chinese can be persuaded to support or at least abstain from blocking establishment of such a court.

An ad hoc or a regional court has significant advantages over the International Criminal Court, or the ICC, as a venue for justice. For starters, neither Syria nor the United States is a member of the ICC, although mechanisms exist to push prosecutions there.

The ICC, however, has operated since 2002, and only boasts of only two, two,

just two, convictions. By way of contrast, the Yugoslav court convicted 80 people; Rwanda, 61; and Sierra Leone, 9. Moreover, a singularly focused Syrian tribunal that provides Syrians with a degree of ownership could significantly enhance its effectiveness.

I chaired a Congressional hearing on establishing a Syrian war crimes tribunal back in 2013, and included such great leaders as David Crane, the former prosecutor for the Special Court for Sierra Leone, and founder and chairman of the Syria Accountability Project.

Mr. Crane testified that the Syria Accountability Project has collected data “and built a framework by which President Assad and his henchmen”—this is his quote—“along with members of the opposition can be prosecuted openly and fairly.”

He and his team have “developed a crime base matrix which catalogs most of the incidents chronologically and highlights the violations of the Rome Statute, the Geneva Conventions, as well as domestic Syrian criminal law.”

Significantly, with respect to the ICC, Mr. Crane testified that “it lacks the capability and the political and diplomatic sophistication to handle such a mandate.”

Indeed, I would like to relay some words that I had with David Crane just a few hours ago; and he reminded us that it is important that the Congress continue the quest to seek justice for the oppressed and work on justice for the Syrian people, in particular, as we recall the fifth anniversary of the beginning of the civil war in that country. Tomorrow, March 15, marks the fifth anniversary of this horrific conflict.

Finally, Mr. Speaker, accountability that is aggressive, predictable, transparent, and applicable to all perpetrators of genocide and crimes against humanity on all sides of the divide must be pursued now.

I reserve the balance of my time.

Mr. SHERMAN. Mr. Speaker, I yield myself such time as I may consume.

I want to commend the gentleman from New Jersey for authoring and bringing this resolution to the floor.

Mr. Speaker, Syria and much of Iraq face two great evils. ISIS is well-known to us, and its evil is established by them on their own Web sites every day.

The second evil is the extremist Shiite alliance, consisting of Iran, Assad, Hezbollah, and many of the Shiite militias based in Baghdad to Basra. And, of course, this Shiite alliance is aided by Russia, although today there were reports that give us a glimmer of hope that Russia will be diminishing its role in the Syrian conflict.

The Shiite extremist alliance, I believe, is even more dangerous than ISIS since they include two state actors and a nuclear program. And the extremist Shiite alliance has killed more Americans than ISIS, from the Marines who died in Lebanon in the 1980s, to the IEDs that were manufactured in Iran and deployed in Iraq and Afghanistan.

There is a substantial difference in style between these two evil forces. When ISIS kills people, they put the beheadings on YouTube. When Assad kills thousands with his barrel bombs, or even with chemical weapons there for a while, Assad had the good taste to deny it. But different styles do not mask the fact that we are confronted with two great evils; and this resolution, I think, is an important step in dealing with those evils.

This resolution condemns the gross violation of international law, perpetrated by the Assad regime and those forces supporting Assad, which have amounted to war crimes and crimes against humanity.

We all hope that the current ceasefire holds and even holds better than it has, but 5 years of civil war in Syria has shown us the use of weapons we thought were relegated only to the history books, including chemical weapons used by the Syrian government against its own civilians.

Assad has conducted deliberate bombings of schools, hospitals, and humanitarian sites for the clear purpose of causing civilians to flee, and overall, he has conducted a brutal war that has killed hundreds of thousands of Syrians and sent millions fleeing the country.

He has been aided in this process by the Iran Revolutionary Guard Corps, whose chief spokesman redisclosed just last week how proud the Revolutionary Guard Corps is of helping Assad and how Tehran is helping to finance both Hezbollah and the Shiite militias that are helping Assad.

The resolution before us today makes specific mention of the role that Iran and the Shiite extremist militias are playing, and that is an important part of the resolution. So I agree with the gentleman from New Jersey. It is time to show the people who are committing these war crimes that there will be a tribunal, that they will be personally held to account.

And while I would hope that would drive home a message that would be relevant both to those who direct ISIS and those surrounding Assad, I think it will have a bigger impact on the generals around Assad who do not view themselves as martyrs, but view themselves as powerful individuals in Syria who would wish to travel and enjoy the good life with money they have stolen and taken from the Syrian people.

So I do not see that I have any speakers on our side, and I have been notified that I should not expect any, and for that reason, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I do want to thank the gentleman from California (Mr. SHERMAN) for his very eloquent remarks and strong support for this resolution. I urge support and passage of this resolution.

I yield back the balance of my time. The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH)

that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 121, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

DEFINING CERTAIN ATROCITIES AS WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 75) expressing the sense of Congress that those who commit or support atrocities against Christians and other ethnic and religious minorities, including Yezidis, Turkmen, Sabea-Mandean, Kaka'e, and Kurds, and who target them specifically for ethnic or religious reasons, are committing, "war crimes", "crimes against humanity", and "genocide", as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 75

Whereas Christians and other religious and ethnic minorities have been an integral part of the cultural fabric of the Middle East for millennia;

Whereas the so-called Islamic State of Iraq and the Levant (ISIL) and associated extremists are committing egregious atrocities against ethnic and religious minorities in Iraq and Syria, including Christians (including Assyrian Chaldean Syriac, Armenian, and Melkite communities, among others), Yezidis, Turkmen, Shabak, Sabae-Mandean, and Kaka'i, among others;

Whereas ISIL specifically targets these religious and ethnic minorities, intending to kill them or force their submission, conversion, or expulsion;

Whereas religious and ethnic minorities have been murdered, subjugated, forced to emigrate, and subjected to grievous bodily and psychological harm, kidnapping, human trafficking, torture, and rape;

Whereas ISIL engages in, and publicly argues in favor of, the sexual enslavement of non-Muslim women, including pre-pubescent girls;

Whereas ISIL atrocities against Christians, Yezidis, and other minorities have included mass murder, crucifixions, beheadings, rape, torture, enslavement, the kidnapping of children, and other violence deliberately calculated to eliminate their communities from the so-called Islamic State;

Whereas ISIL has deliberately destroyed and looted numerous cultural sites, religious shrines, churches, monasteries, and museums in order to eradicate the cultures of ethnic and religious minorities from the territory it attempts to control;

Whereas these atrocities have been undertaken with the specific intent to bring about

the eradication of those communities and the destruction of their cultural heritage;

Whereas ISIL operations have in fact driven minority religious and ethnic communities from their ancestral homelands;

Whereas under applicable international law referenced in section 2441 of Title 18 of the United States Code, murder, torture, mutilation, rape, cruel treatment, and hostage-taking of non-combatants constitute war crimes;

Whereas crimes against humanity, as defined by the International Military Tribunal convened at Nuremberg in 1945, and in various international instruments since then, include murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, as well as persecution on political, racial, or religious grounds in connection with such crimes;

Whereas the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, signed and ratified by the United States, defines genocide as "any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: (a) Killing members of the group; (b) Causing serious bodily or mental harm to members of the group; (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group";

Whereas on August 7, 2014, Secretary of State John Kerry declared that "ISIL's campaign of terror against the innocent, including Yezidi and Christian minorities, and its grotesque and targeted acts of violence bear all the warning signs and hallmarks of genocide";

Whereas in August 2014, the United States conducted targeted airstrikes and humanitarian assistance operations to help break the siege of Mount Sinjar, saving the lives of thousands of Yezidi men, women, and children;

Whereas His Holiness, Pope Francis, has noted that "entire communities, especially—but not only—Christians and Yezidis have suffered and are still suffering inhuman violence because of their ethnic and religious identity" and that, for Christians being killed for their faith in the Middle East, "a form of genocide -- I insist on the word -- is taking place, and it must end";

Whereas a March 13, 2015, report by the Office of the United Nations High Commissioner for Human Rights detailed "acts of violence perpetrated [by ISIL] against civilians because of their affiliation or perceived affiliation to an ethnic or religious group" and stated that "[i]t is reasonable to conclude that some of these incidents, considering the overall information, may constitute genocide";

Whereas in testimony before the House Foreign Affairs Committee on May 13, 2015, Dominican Sister Diana Momeka, whose convent was driven from Mosul, Iraq, described the ISIL offensive as "cultural and human genocide" and stated that today "[t]he only Christians that remain in the Plain of Nineveh are those who are held as hostages";

Whereas in December 2015, the United States Holocaust Memorial Museum's Simon-Skjoldt Center for the Prevention of Genocide issued a report focused on the treatment of minorities in Nineveh from June to August 2014, which found that ISIL had "targeted civilians based on group identity, committing mass atrocities to control, expel, and exterminate ethnic and religious minorities" and, in that context, "com-

mitted crimes against humanity, war crimes, and ethnic cleansing against [Christian, Yezidi, Turkmen, Shabak, Sabae-Mandean, and Kaka'i] communities in Nineva" and "perpetrated genocide against the Yezidi people";

Whereas on December 7, 2015, the United States Commission on International Religious Freedom called on the United States Government "to designate the Christian, Yezidi, Shi'a, Turkmen, and Shabak communities of Iraq and Syria as victims of genocide by ISIL" and urged world leaders "to condemn the genocidal actions and crimes against humanity of ISIL that have been directed at these groups and other ethnic and religious groups";

Whereas on February 3, 2016, the European Parliament expressed the view that ISIL "is committing genocide against Christians and Yezidis, and other religious and ethnic minorities";

Whereas Syrian President Bashar al Assad's violence against the Syrian people has attracted foreign fighters from around the world, who have supported and committed ISIL atrocities; and

Whereas according to some estimates, the conflict among all parties to the Syrian civil war has killed 470,000 and displaced 11,000,000 people: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the atrocities perpetrated by ISIL against Christians, Yezidis, and other religious and ethnic minorities in Iraq and Syria constitute war crimes, crimes against humanity, and genocide;

(2) all governments, including the United States, and international organizations, including the United Nations and the Office of the Secretary-General, should call ISIL atrocities by their rightful names: war crimes, crimes against humanity, and genocide;

(3) the member states of the United Nations should coordinate urgently on measures to prevent further war crimes, crimes against humanity, and genocide in Iraq and Syria, and to punish those responsible for these ongoing crimes, including by the collection and preservation of evidence and, if necessary, the establishment and operation of appropriate tribunals;

(4) the Hashemite Kingdom of Jordan, the Lebanese Republic, the Republic of Turkey, and the Kurdistan Regional Government in Iraq are to be commended for, and supported in, their efforts to shelter and protect those fleeing the violence of ISIL and other combatants until they can safely return to their homes in Iraq and Syria; and

(5) the protracted Syrian civil war and the indiscriminate violence of the Assad regime have contributed to the growth of ISIL and will continue to do so as long as this conflict continues.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. SHERMAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.